

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS

DANA-FARBER CANCER INSTITUTE, INC.,

Plaintiff,

v.

GATEKEEPER PHARMACEUTICALS, INC.,

Defendant.

Civil Action No. 1:10-CV-11613-DPW

GATEKEEPER PHARMACEUTICALS, INC., a  
Delaware corporation,

Counterclaimant and Third-Party  
Plaintiff,

v.

DANA- FARBER CANCER INSTITUTE, INC.,  
a Massachusetts corporation,

Counter-Defendant,

- and -

NOVARTIS PHARMA, A.G., a Swiss  
corporation; NOVARTIS INTERNATIONAL  
PHARMACEUTICAL, LTD., a Bermuda  
corporation; and NOVARTIS INSTITUTES FOR  
BIOMEDICAL RESEARCH, INC., a Delaware  
corporation,

Third-Party Defendants.

**GATEKEEPER PHARMACEUTICALS, INC.'S PROPOSED**  
**JURY VERDICT FORM**

Pursuant to the Court's June 12, 2013 Order during the course of the hearing on the parties' cross-motions for summary judgment, Gatekeeper submits the following Proposed Verdict Form. This Form assumes that the jury has been previously instructed on the Court's findings in connection with its September 30, 2012 Order granting Gatekeeper's Summary Judgment that it was entitled to WZ4002 and has been prepared on the assumption that both parties' motions for summary judgment, currently under advisement, are denied.

With respect to damages, the parties' respective damages experts did not disagree on the methodology of calculating damages, only on the assumptions that were input into the model. Accordingly, Gatekeeper proposes that the jury be given access in deliberations to an active excel spreadsheet into which it can enter the variables to arrive at a discounted present value of the damages with simplified instructions. A sample page of the spreadsheet containing the variables to be entered by the jury is attached as Exhibit A to the [Proposed] Jury Instructions.

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**We, the jury, unanimously find as follows:**

### **INTERFERENCE**

Question 1: Do you find that, in interfering with Gatekeeper's contract with Dana Farber Cancer Institute, Inc. (DFCI), Novartis Institute of Biomedical Research (NIBR) acted either with improper motive or improper means?

Yes        No

**DAMAGES**

**If your answer to the preceding question was “no,” then you need not consider whether to award damages to Gatekeeper. Your deliberations are concluded and you must sign this form.**

**If your answer to the preceding question was “yes,” you must proceed to determine the damages, if any, to which Gatekeeper is entitled.**

Question 2: If you find that Gatekeeper was damaged, identify the present value of the amount of those damages.

Amount: \_\_\_\_\_

The foregoing is the verdict of the jury.

**EACH JUROR MUST SIGN THE VERDICT FORM TO REFLECT THAT A UNANIMOUS VERDICT HAS BEEN REACHED.**

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Foreperson

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Juror

**CERTIFICATE OF SERVICE**

I hereby certify that this document, filed through the CM/ECF system, will be sent electronically to the registered participants as identified on the NEF, and paper copies will be sent to those indicated as non registered participants on September 20, 2013.

/s/ Timothy T. Scott  
Timothy T. Scott